FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.2956 OF 2006
IN
WRIT PETITION NO.1860 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Suresh S.Pakale for the applicants.

Mr.Sandeep Pathak i/by S.B. Deshmukh for respondent nos.5 & 6

Coram : S.B.Mhase &
R.S.Mohite,JJ

Date : 21.04.2007

PC

1. The applicant nos.1,2,3,4,6 & 7 are in service with the respondent nos.5 & 6. The applicant no.5 who was in service has now retired. The grievance of the applicants is that since the applicants have claimed benefit of Vth pay commission and since the petition has been admitted, the regular increments which the applicant nos.1 to 4 & 5 to 6 could have earned under IVth pay commission are also not being released by respondent nos.5 & 6. It is further grievance that after the retirement

of applicant no.5, the retirement benefits of the applicant no.5 are not being released by respondent nos.5 & 6. In fact, claiming increments as per IVth pay commission is a justified demand because pay scale as per the Vth pay commission will be given or not, will be decided in this petition and therefore, the respondents have erroneously with-held increments of the applicants. We also find that the respondents have erroneously with-held retirement benefits of applicant no.5. We therefore, direct that respondent nos.5 & 6 shall release the yearly increments of the applicant nos.1 to 7. They are further directed to extend the retirement benefits of the applicant no.5. All this exercise shall be completed by respondent nos.5 & 6 within a period of 3 months from today. We make it clear that if the respondent nos.5 & 6 are entitled to get a grant on that account from the respondent nos.1 to 4, they are at liberty to make an appropriate proposal to respondent nos.1 to 4.

If respondent nos.1 to 4 find that their proposal is in accordance with the rules and admissible for salary grant, the said proposal shall be disposed off by respondent nos.1 to 4 within a period of 3 weeks thereafter. These directions are without prejudice to the main dispute in the pending petition. C.A. is disposed off.

(R.S.Mohite,J) **(S.B.Mhase,J)**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.1472 OF 2006
IN
WRIT PETITION NO.1860 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.S.S.Pakale for the applicant.

Mr.Sandeep Pathak i/by S.B. Deshmukh for respondent nos.5 & 6.

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Coram : S.B.Mhase &
R.S.Mohite,JJ

Date : 21.04.2007

PC

1. This is a Civil application seeking injunction as against Joint Director of Technical Education in respect of the implementation of 5th pay commission. The learned Counsel for the petitioner states that this issue is pending in this matter and therefore, the Joint Director be stopped for conducting any enquiry. We find no substance in the stay application because the Joint Director is under obligation to make a statement in this Court whether 5th

pay commission is applicable or not and for that purpose he is supposed to make enquiry. Apart from that Joint Director is an authority to implement 5th pay commission to the teachers and it is the normal function and duty of the Joint Director and therefore, we are not inclined to grant stay. Application disposed off.

(R.S.Mohite,J) **(S.B.Mhase,J)**